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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,464	10/20/2003	Mark Hirst	200309601-1	4166

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FORT COLLINS, CO 80527-2400

EXAMINER

ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,464

Applicant(s)

HIRST ET AL.

Examiner

William J. Royer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5-10,15,23 and 26 is/are allowed.
- 6) ☒ Claim(s) 11-14,16-22,24,25 and 27-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Arguments

Applicant's arguments filed August 1, 2005 have been fully considered but they are not persuasive. The argument that Dowling does not alone teach or suggest the invention as recited in Claims 11-14, 16-22, 24, 25 and 27-40 appears to be incorrect because Dowling states that: "This device could be placed on any potentially hot surface and create a warning device" at column 8, lines 19-21. Consequently, since a fuser may have a hot surface it would have been obvious to one of ordinary skill in the art at the time the invention was made that the device disclosed by Dowling could be used in a fuser since Dowling clearly states that the device can be placed on any potentially hot surface.

Specification

The disclosure is objected to because of the following informalities:

On page 1, line 7, the appropriate United States Patent Application Serial Number should be inserted and --- "unassigned" (Attorney Docket No. 200309672-1 --- should be deleted.

On page 1, lines 9-10, the appropriate United States Patent Application Serial Number should be inserted and --- "unassigned" (Attorney Docket No. 200309706-1 --- should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11-14, 16-22, 24, 25 and 27-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling.

Dowling discloses an indicating system to provide a warning system for use with hot surfaces to warn of the hot surface. The indicating system includes: an alternate power supply 202 that could be a Seebeck device (i.e., thermoelectric generator), as disclosed by Dowling, adapted to thermally couple to a heated surface of a device and configured to convert heat from the heated surface of the device to electrical energy; and an LED 4 (i.e., indicating device) powered by the electrical energy configured to provide an indication of when a temperature level of the heated surface is above a temperature threshold. Further, it is disclosed that the light emitted from the system changes in color and/or intensity as the temperature of the heated surface changes. Furthermore, it is disclosed that the light for such a system may be modulated in many ways, including changing intensity, color, temporal patterns, strobing light to steady state effects or the like at column 2, lines 41-55. Besides the above, as shown in Figure 4, it is disclosed that the light produced from an LED may be projected onto or through a material 402 (i.e., warning label) with the light projected from the LED creating the effect that the surface has been illuminated. The material may be a translucent material, etched material, semi-translucent material, transparent material, colored material or

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other material known to one of ordinary skill in the art as disclosed in column 7, lines 36-39. Lastly, it is disclosed that the warning can be achieved through other types of visible indication, aural indication, tactile indication, olfactory indication, or any combination of the foregoing at column 8, lines 26-32.

Dowling does not specifically state that the disclosed indicating system may be provided in an imaging system that includes a fuser.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the indicating system of Dowling could be used in a fuser because the surfaces of a fuser can become hot and Dowling teaches that the disclosed indicating system can be used as a warning system for use with any potentially hot surface to warn operators of the hot surfaces.

Allowable Subject Matter

Claims 3, 5-10, 15, 23 and 26 are allowable over the prior art of record because the prior art of record fails to teach or suggest using a heat sink in combination with an indicating system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William J. Royer
Primary Examiner
Art Unit 2852

Wjr
October 17, 2005